

ELECTRIC UTILITIES WILDLAND FIRE Prevention TASK FORCE Meeting Minutes
10:00 AM – 3:30 PM | March 5, 2020
Rainier Room, Red Lion Hotel, 2300 Evergreen Park Drive SW, Olympia, WA 98502

Meeting Purpose: Discuss Process to Develop A Model Agreement for Danger Trees; Evaluate Communication Needs; and Discuss Outcomes for Investigation Protocols.

Task Force Members Present: Garry Rosman, Gary Margheim, Darren Larsen, Colin Willenbrock, David James, Jim Smith, David Gottula,

Task Force Members by Phone: Ronda Strauch, George Yates, Diane Meyers, David Lucas,

Not in Attendance: George Geissler (Chair), Mendy Drake, Erik Wahlquist (Resigned from the Task Force effective March 4, 2020)

DNR Staff in Attendance: Loren Torgerson, Erika Stone, Michael Kearny

Others in Attendance: Thomas Christian, Richard Tveten, Terry Pruitt, Kyle Murphy, Dave Schell, Annette Halbit, Wendy Jansen

Welcome, Meeting Purpose, and Updates

George Geissler, DNR Chair and Thomas Christian, Facilitator

- Introductions – George Geisler
 - George Geissler was not present. Loren Torgerson, Washington DNR Liaison and Strategic Advisor to the State Forester, acted as Chair.
- Establish quorum – Quorum established by simple majority
- Meeting purpose and review agenda – Thomas Christian
- Expectations for Task Force Discussion – Loren Torgerson
 - Focus conversation between task force members, limit conversations to only those at the table. Public comments will be taken later. Guests of task force members can be called on if needed, but please notify the Chair first.
- Updates from DNR
 - Jen Willms no longer is with DNR; Erika Stone will be taking notes for these meetings.

Task Force Business

Facilitator

- Review past meeting summary
 - Finalized and available online.
 - PowerPoint from DNR's Chief Wildland Fire Investigator, Gary Margheim is available online.

- Next steps: Review Bonneville Power Memorandum Agreement for use as a model to start.
 - Action: Motion to accept the meeting minutes from the Nov 15th meeting. All approved; none opposed.
- Review updated Work Plan – note the inclusion of a subcommittee
- Review and accept Task Force charter:
 - Action:
 - Edit section 6 meetings – to include a quorum must be present, definition of quorum is a simple majority of the Task Force.
 - The position of the Chair will not be considered for the purposes of determining a quorum.
 - The Chair will be a non-voting member of the Task Force.
 - Edits to the membership section:
 - Alternates may be voting members on behalf of their respective organization.
 - All in favor, no objections.

Decision: Accept Task Force Charter

- Action: accepted with edits, all in favor, none opposed.

Update from DNR on Utility Related Fire Data

Loren Torgerson, DNR

- At the last meeting, the Task Force requested statistics on numbers of electric utility related wildfires.
- Mr. Torgerson presented table and graphs for numbers of electric utility related wildfires within DNR's wildfire response jurisdiction.
- General discussion by various members and Chair:
 - Investigations have general causes for fires and power lines fall under miscellaneous.
 - Initial incident commander of the fire will file initial report that includes potential cause based on information at the time of the incident. That information is entered into DNR's reporting system, but is eventually corrected by investigators if not correct.
 - The majority of investigations are corrected at some point because of additional investigation.
 - Does this data, or additional data, affect achieving the tasks going forward?
 - Focus in general are these fires causes threats to people and property?
 - Does this help us reduce the risk of wildfire?
 - Would like to see the percentage of wildland fires that are utility caused.
 - Clarify pre-post investigation? Where the data comes from- first responders, investigator etc.?
 - Is there another way to measure? Acres, and how much area it burned.

- Chair – How will this data be used? (question to the task force)
Does it answer what we will do regarding danger trees?
- It helps drive a strategy for process and how information is being funneled and how communication works. What can be shared? Does this become a public domain so we can see the initial point of origin from IC?
- Dave Jones- we have data on danger trees that hasn't been shared.
- Action Item for DNR: Refine data by county, more information on cause for next meeting.
 - DNR's Chief Investigator will review the nine general causes. Will attempt to create a break down of power line versus other causes by county, with spatial data map if possible. Utilities willing to help with GIS analysis.

Next Steps toward Model Agreement for Managing Danger Trees

Task Force and Facilitator

- Chair invited Michael Kearny, DNR State Uplands Lease Manager, to participate in this portion of the meeting.
- Review Task Force discussion points from past meeting regarding the model agreement for danger tree management.
- What is the process if a danger tree is reported to DNR currently?
 - Consult with utility and review trees. Look at all options before removal, such as topping it. DNR established categories under the agreement with Bonneville Power Administration with regard to trees so it was clear what type of tree hazard we were communicating about.
 - When creating a subcommittee Klickitat PUD would prefer some of their technical experts to be part of that subcommittee.
 - Avista in favor of having the subcommittee do this work, and also prefers technical experts to be part of the subcommittee.
 - Seattle City Light supportive of the subcommittee.
 - Weyerhaeuser comfortable with using a subcommittee for this work.
 - The small forest landowners agree as well, would not anticipate any work of the subcommittee would infringe on adjacent landowners timber lands and activities outside of legal corridors. Doesn't want to see the definition end up in RCW, or WAC. No need for private land owners on the subcommittee, but they would be educated and won't step over boundaries that could cause problems for landowners.
- DNR proposed subcommittee process
 - No decision making for this subcommittee.
 - Subcommittee Membership
 - Each utility type will provide one technical staff for membership (4 members).
 - DNR State Uplands to provide staff for memberships (2 members).
- Review DNR/BPA agreement

- The subcommittee will utilize the DNR/BPA MOA as a starting point to define danger trees, establish protocols for information and notification sharing and processes for removal and dispute resolution.
- Small forest Landowners - Important that the subcommittee focus on state uplands, not small forest landowners rights of ways.
 - Action: Establish a subcommittee of the Task Force that will be tasked with addressing and making a recommendation of a model agreement between utilities and DNR state uplands.
 - Subcommittee would be made up of 4 members of the utilities listed and bring recommendation to the task force.
 - Action: Task Force members will submit subcommittee members to the chair by the end of next week March 13th.
 - Action: Mr. Torgerson and Mr. Kearney will meet and develop task order for the subcommittee by middle of next week.
 - Action: The subcommittee will convene and produce an initial draft of the model danger tree agreement by May 21st.
 - Decision: All approved, none opposed

Discuss Communication and Information Exchange Options - In the interest of completing other agenda items. No discussions or actions were taken on this topic. This task will be rescheduled for future meetings.

Task Force and Facilitator

- Review Task Force duty
- What is working well regarding communication with DNR?
- What gaps or barriers exists regarding communication?
- What are potential solutions?

Wildland Fire Investigation

Task Force and Facilitator

- Review discussion points from previous meeting and RCW 76.04.015
 - DNR authority under the law – Mr. Marghiem presentation outlined our process for investigating wildfires. Are there any issues about our conversation around that presentation and authority when approaching an investigation with a utility involved?
 - What authority - Any fire that falls under DNR jurisdiction is investigated at one level or another. Incidents involving power lines are often bumped up to senior investigators.
 - DNR’s Forestland Fire Protection Assessment defines where DNR’s jurisdiction is.
 - Klickitat PUD asked about communication during investigation: How do we make sure dialog is open and learn what we can to prevent it? How do we establish communication and opportunity to engage before it gets to a liability issue?
- General Discussion potential outcomes for investigation protocols
 - Communication and coordination

- What is the notice/time line for starting investigations?
 - As soon as fire occurs.
- Utilities are great at working with first responders to ensure the safety of fire fighters and the public. Participating in fire investigations are not as cooperative.
- If third party investigators are utilized, how do we make sure they are unbiased?
- Both DNR and Utility companies are present during third party investigation.
- Appeal process is with the third party investigator.
- Can the utility bring in their own investigator from the insurance that maybe disagrees with the third party investigator?
- Third party investigators may have greater knowledge of power lines and utility infrastructure and how they work.
- How can utility companies promote themselves as experts on electric utility systems for DNR or third party investigators to utilize? How does that communication happen or make sure it happens?
 - DNR often does contact the utility as part of the initial investigation. Statutes require DNR to present evidence etc...(76.04.15 RCW)
- When does notice to utilities occur?
 - When incident commander determines initial probable cause of the fire.
 - Task Force discussed establishing a process of formal notification that would include self-identified roster & email chain. (utilities provide)
- Discussion of a Reporting-Fact Finding-Investigation based process
 - What does the standard of negligence mean for our state in RCW?(AAG)
 - Members discussed a model for an open fact finding process- sharing information and collaborating
 - Proposed Notification Process Discussed:
 - Develop a formal notification roster (utilities provide contact information) for use by DNR Incident Commanders (ICs) and investigators.
 - Utilities receive notification if/when ICs determine a fire maybe related to electric utility infrastructure.
 - Utilities receive notification if/when an investigation is underway regarding a fire and electric utility infrastructure.
 - Proposed Information Gathering Process Discussed:
 - DNR begins an open fact-finding process and brings in subject matter experts (SMEs) as needed.
 - DNR works with the utility to help gather and share information about the fire cause and its relationship with the utility infrastructure.
 - DNR prepares a draft investigation report and selects a third party to review the report.
 - The third party reviews the draft investigation report and shares findings with DNR and Utilities (Task Force will discuss thresholds for implementing this step).

- DNR and utilities will develop lessons learned to prevent future incidents.
 - If negligence is suspected, DNR submits the final investigation report to Attorney General.
- Action: DNR will attempt to quantify suppression costs recovered as a percentage of total DNR fires.
- Action Item: put this process together as draft to review prior to the next meeting.

Discuss Criteria for Roster of Third-Party Investigators

Task Force and Facilitator

- From DNR's perspective, what is needed?
- From the utility's perspective, what is needed?
- Action Item: Mr. Torgerson to work with Mr. Margehim on the existing third party investigators list.

Public Comment and Next Steps

Facilitator

- Public comment
 - Nicolas Garcia WUPUD- Advocated for this workgroup, all the publicity around wildfire and all the dollars spent, if I was to inadvertently cause a wildfire I would want to cover that up fast. Is there a way to start this process but start the evidence gathering at the same time as when the fire is being put out?
- Review of action items:
 - Action: Motion to accept the meeting minutes from the Nov 15th meeting. All approved none opposed.
 - Action: Edit section VI, "Meetings," of the Task Force charter. A quorum must be present, is a majority which would be 7.
 - Add under section a quorum means a simple majority of the task force.
The Chair is a non-voting member, and committee establishes the quorum.
 - Edits to the membership section
 - Alternates that show up as representatives may cast votes for their respective organizations.
 - Action: Refine data by county, more information on cause for next meeting.
Gary to clarify, or unpack, nine general causes. Break down from power line versus other causes by county and with a map if possible. Jim Smith willing to assist in the breakdown of data.
 - Action: Create a subcommittee of the task force that would be tasked with addressing and making a recommendation of a model agreement between utilities and DNR state

uplands and that subcommittee would be made up of 4 members of the utilities listed and bring recommendation to the task force. All in favor, none opposed.

- Action: Task force members submit subcommittee members to the chair by the end of next week March 13th. All approved, none opposed
- Action: DNR will develop task order for the subcommittee by middle of next week.
- Action: get subcommittee together for draft of model agreement by May 21st.
- Action: DNR will attempt to provide data for costs recovered by DNR for negligent caused fires over the last ten years.
- Action Item: Mr. Torgerson to work with the Chief Wildland Fire Investigator on any existing third party investigators list.
- Affirm next meeting dates
 - April 16th Red Lion
 - May 21st Natural Resource Building
 - June 25 Natural Resource Building
 - Aug 13 Capital Event Center
 - Oct 1 Natural Resource Building

Agenda topics next meeting

- Report on current wildfire investigators list.
- Review timeline process
- Expanded wildfire Data
- Negligent fire cost recovery data
- Continued communication and information exchange options related to wildfire origin and cause investigations.

Meeting Adjourned